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Compilation on Turkmenistan

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1, 2]

2. It was recommended that Turkmenistan ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[3] the Optional Protocol to the Convention on the Rights of the Child on a communications procedure,[4] the International Convention for the Protection of All Persons from Enforced Disappearance,[5] the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,[6] the Convention against Discrimination in Education[7] and the Rome Statute of the International Criminal Court.[8]

3. The Committee against Torture reiterated its recommendation that Turkmenistan consider making the declarations under articles 21 and 22 of the Convention.[9] The Committee on the Elimination of Racial Discrimination encouraged Turkmenistan to make the declaration under article 14 of the Convention, recognizing the competence of the Committee to receive and consider individual complaints.[10]

4. The Human Rights Committee remained concerned about the failure of Turkmenistan to implement the Views of the Committee.[11] The United Nations country team recommended undertaking immediate measures to implement the Views of the Human Rights Committee.[12] The Human Rights Committee reiterated its previous recommendation to ensure that appropriate procedures were in place to give full effect to its Views in order to guarantee the rights of victims to an effective remedy.[13]

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5. The Committee against Torture was concerned that Turkmenistan had not extended an invitation to United Nations special procedure mandate holders who had requested to visit the country.[14]

6. The Office of the United Nations High Commissioner for Human Rights (OHCHR), through its Regional Office for Central Asia based in Bishkek, had continued to work with the Government of Turkmenistan during the reporting period.[15]

III. National human rights framework[16]

7. The United Nations country team, the Committee against Torture, the Committee on the Elimination of Racial Discrimination and the Human Rights Committee noted the adoption of the new Constitution in 2016.[17] The country team stated that the Constitution included a new section on human rights and freedoms and provided for limitations on those rights made by law.[18]

8. The Committee on the Elimination of Racial Discrimination noted the establishment of the Office of the Ombudsman through the Law on the Ombudsman of 2016.[19] The country team noted that, according to the Law, the President nominated three candidates and the parliament appointed one of them. It observed that the procedure was in violation of the requirements to ensure independence under the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).[20] The Committee on the Elimination of Racial Discrimination encouraged Turkmenistan to ensure an effective and independent Ombudsman, in accordance with the Paris Principles, including through clear and transparent appointment and dismissal procedures.[21] The country team recommended ensuring that the institution had the competence to consider complaints and monitor detention facilities.[22]

9. Several treaty bodies and the country team noted the adoption of the national action plans on human rights 2016–2020,[23] on gender equality 2015–2020,[24] and on combating trafficking in persons 2016–2018.[25]

10. The Committee on the Rights of the Child urged Turkmenistan to adopt a national action plan for children, taking into account its concluding observations of 2015.[26]

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination[27]

11. The Human Rights Committee was concerned that national legislation did not afford protection against discrimination on all grounds, including sexual orientation and gender identity.[28] The Committee on the Elimination of Racial Discrimination was concerned that the definition of racial discrimination did not include all the grounds stipulated in the Convention, including colour and descent.[29] The country team reported that there was no comprehensive anti-discrimination legislation.[30]

12. The Human Rights Committee recommended that Turkmenistan take measures, including by considering adopting a comprehensive anti-discrimination law, to ensure that the relevant legal framework provided adequate and effective protection against all forms of discrimination, prohibited direct, indirect and multiple discrimination, contained a comprehensive list of grounds of discrimination, including sexual orientation and gender identity, and provided for access to effective and appropriate remedies for victims of discrimination.[31]

13. The Committee on the Elimination of Racial Discrimination recommended ensuring that article 177 of the Criminal Code and other domestic legislation criminalizing hate

speech were in accordance with the Convention, that all instances of hate crime and hate speech were investigated and prosecuted and that the perpetrators were punished.[32]

14. The Committee on the Elimination of Racial Discrimination recommended ensuring that non-citizens had access to education, housing, health care, employment and birth registration without discrimination.[33]

15. The Human Rights Committee remained concerned that the Act of 2016 on Controlling the Spread of Disease Caused by HIV retained a requirement for a medical certificate to show that the holder was HIV-negative for visa applications and provided for compulsory HIV testing of individuals. It was also concerned that such a certificate was required for marriage.[34] The Special Rapporteurs on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and on torture and other cruel, inhuman or degrading treatment or punishment also expressed concerns about compulsory HIV testing.[35] The country team recommended that Turkmenistan bring the Act into compliance with its international obligations.[36]

16. The Human Rights Committee remained concerned about the criminalization of sexual relations between consenting adults of the same sex; and discrimination against and social stigmatization of lesbian, gay, bisexual and transgender persons, including violence, arbitrary arrests and detention, and other abuses perpetrated with total impunity.[37]

2. Development, the environment, and business and human rights

17. The Committee on the Rights of the Child was concerned about the pervasiveness of corruption in State institutions. It recommended that Turkmenistan combat corruption and strengthen institutional capacities to detect, investigate and prosecute corruption effectively.[38]

18. The country team stated that Turkmenistan had submitted its intended nationally determined contribution to implement the Paris Agreement and the United Nations Framework Convention on Climate Change. It recommended that Turkmenistan develop national programmes for climate change adaptation and mitigation, revise the intended nationally determined contribution in line with the Paris Agreement and approve a biodiversity strategy and action plan in line with the Convention on Biological Diversity.[39]

19. The Committee on the Rights of the Child remained concerned at the damaging effects of the Aral Sea crisis on children living in nearby areas, and at the reports of high rates of infant and maternal mortality, and of deaths due to cancer, which had been attributed to environmental pollution, especially in the Dashoguz region.[40]

3. Human rights and counter-terrorism

20. The Human Rights Committee was concerned about the excessively broad legal definition of extremism, which had led to arbitrary and disproportionate restrictions on the rights in the Convention.[41] The country team stated that counter-terrorism and the narratives against violent extremism were strong and often led to arbitrary arrest and detention, while restricting fundamental freedoms. It reported that the fight against extremism was used as a justification to limit the travel of young persons abroad out of a fear that they could join terrorist and extremist networks. The authorities often conducted "preventive" visits in areas near the border to interrogate local leaders on their religious beliefs.[42]

B. Civil and political rights

1. Right to life, liberty and security of person[43]

21. The Committee against Torture and the Human Rights Committee were concerned about allegations of widespread torture and ill-treatment of persons deprived of their liberty.[44] They were concerned about the reported deaths in custody caused by torture and ill-treatment[45] and the reports indicating impunity for acts of torture.[46] The country team noted that the courts had not examined any cases of torture since the adoption of the 2012 amendment to the Criminal Code, establishing torture as a separate criminal offence.[47] The

Committee against Torture was concerned that the new Constitution did not clearly indicate that the prohibition of torture was non-derogable and did not clearly prohibit amnesties for torture and enforced disappearance.[48]

22. The Human Rights Committee recommended that Turkmenistan eliminate torture and ill-treatment and end the impunity for such crimes, and ensure that torture could not be justified under any circumstances.[49] The Committee against Torture recommended ensuring that acts amounting to torture were not subject to any statute of limitations and that the granting of amnesties for the crimes of torture and enforced disappearance were prohibited.[50] It recommended ensuring that all reports of torture and ill-treatment by public officials were investigated promptly, effectively and impartially by an independent mechanism with no institutional or hierarchical connection to the investigators and the alleged perpetrators, and that all persons under investigation for having committed acts of torture or ill-treatment were immediately suspended from their duties and the perpetrators brought to justice.[51]

23. The Committee against Torture remained concerned at the reported physical abuse and psychological pressure that had been carried out by prison staff against detainees, resulting in several suicides. It was concerned at the absence of information on the reported rapes of female detainees by public officials in 2007 and 2009. The Committee reiterated its recommendations of 2011 to draw up a comprehensive plan to address violence by inmates and prison staff in detention facilities, and to ensure effective investigations of all such cases.[52]

24. During the reporting period, the Working Group on Arbitrary Detention, in its four opinions related to the situation of five individuals, found that the deprivation of liberty of those individuals was arbitrary.[53] The Government provided its response to two opinions of the Working Group (opinions No. 22/2013 and No. 40/2014).[54] The country team recommended that the authorities implement the decisions of the Working Group.[55]

25. The Human Rights Committee was concerned about reports of secret detention and the enforced disappearance of a large number of convicted and imprisoned persons, including those convicted for alleged involvement in the assassination attempt in 2002 on the former President. The Committee recommended ending the practice of secret detention and enforced disappearances, disclosing the fate or the whereabouts of forcibly disappeared persons, investigating all reported cases of enforced disappearance and bringing the perpetrators to justice and punishing them with appropriate sanctions.[56] The Committee against Torture and the country team made similar observations and recommendations.[57]

26. The Committee against Torture remained concerned about reports that psychiatric hospitals continued to be misused to detain persons for non-medical reasons, including non-violent expression of political views. It recommended releasing those persons and ensuring that no one was placed in such institutions for non-medical reasons.[58]

2. Administration of justice, including impunity, and the rule of law[59]

27. The Human Rights Committee remained concerned about judges' independence, which was undermined by the President's authority to appoint and dismiss judges and the lack of security of tenure of judges, who were appointed for renewable five-year terms. It was also concerned about alleged corruption in the judiciary. The Committee reiterated its recommendation that Turkmenistan safeguard the independence of the judiciary from the executive branch, including by guaranteeing judges' security of tenure and ensuring that the judicial selection process and disciplinary procedures were vested in fully independent bodies. It recommended combating corruption in the judiciary.[60] The country team,[61] the Committee against Torture[62] and the Committee on the Elimination of Racial Discrimination[63] made similar observations and recommendations.

28. The Committee against Torture was concerned that many persons deprived of their liberty were held in custody for more than 48 hours, and that the law permitted suspects to be held in detention during the investigation of a criminal case without being presented before a judge for up to six months and even longer if authorized by the Prosecutor General.[64] The Human Rights Committee recommended that Turkmenistan amend its legislation and revise practices under it to ensure that anyone arrested or detained on a criminal charge was brought before a judge within 48 hours.[65]

29. Furthermore, the Committee against Torture urged Turkmenistan to guarantee the right of detainees to undergo a medical examination by an independent doctor within 24 hours of their arrival in a place of detention and to have prompt and confidential access to a qualified and independent lawyer or free legal aid when needed.[66]

30. In its Views adopted in 2015 and 2016 concerning allegations against Turkmenistan, the Human Rights Committee recalled that prisoners should be allowed, under the necessary supervision, to correspond with their families and friends without interference.[67]

31. The Committee against Torture remained concerned about reports of widespread use of forced confessions as evidence in courts.[68] The Human Rights Committee recommended ensuring that the prohibition of forced confessions and the inadmissibility of evidence procured by torture were effectively enforced by law enforcement officers and judges.[69]

32. The Committee against Torture reiterated its recommendations to establish an independent complaints mechanism for places of detention, facilitate the submission of complaints by victims of torture and ill-treatment and ensure that complainants were protected against ill-treatment or intimidation.[70]

33. While noting the efforts made to renovate and build new prison facilities, the Human Rights Committee was concerned about continued reports of inhuman prison conditions, including serious overcrowding, unsanitary conditions and inadequate access to drinking water, malnutrition and exposure to extreme temperatures in the Ovadan-Depe and Turkmenbashi prisons. It was concerned at the failure to separate prisoners suffering from tuberculosis from other inmates and to provide them with adequate health care.[71] The Committee against Torture was concerned by reports that numerous prisoners might have died because of the conditions at Ovadan-Depe prison.[72]

34. The Human Rights Committee was concerned about the isolation of inmates from the outside world, with the out-of-cell time at Ovadan-Depe prison allegedly being only once a week for seven minutes.[73] The Committee against Torture was concerned about the use of solitary confinement, resulting in mental health problems and suicides.[74]

35. The Committee against Torture reiterated its recommendations of 2011 that Turkmenistan, inter alia, bring the detention conditions into line with United Nations standards, reduce prison overcrowding, ensure that detainees were provided with adequate material and hygienic conditions and separate healthy prisoners from those suffering from tuberculosis.[75]

36. The Human Rights Committee recommended that Turkmenistan, as a matter of priority, establish a system of regular and independent monitoring of places of detention without prior notice and create the conditions necessary to facilitate effective monitoring by independent organizations and reinforce its efforts to grant meaningful access by the International Committee of the Red Cross to places of detention.[76]

3. Fundamental freedoms and the right to participate in public and political life[77]

37. The Human Rights Committee remained concerned that the legislation, including the law on religious freedom of 2016, retained undue restrictions on freedom of religion and belief, such as the mandatory registration of religious organizations and obstacles to registration, and restrictions on religious education and importation and distribution of religious literature. It was concerned about the reported denial to register religious communities, raids and confiscation of religious literature and intimidation, arrests and imprisonment of members of religious communities, particularly Protestants and Jehovah's Witnesses, and about reports of the demolition of mosques and churches in Ashgabat.[78]

38. The Committee remained concerned about the continued failure to recognize the right to conscientious objection to compulsory military service, and the repeated prosecution and imprisonment of Jehovah's Witnesses who refused compulsory military service.[79]

39. The Committee remained concerned about the laws and practices restricting freedom of opinion and expression, including the absence of a genuine independent media and undue restrictions on access to the Internet and disproportionate limitations on online

content.[80] The country team stated that self-censorship was widespread in local media and that the importation and sale of foreign newspapers were restricted. It reported that campaigns by the authorities to dismantle private satellite dishes had restricted access to information from foreign television and radio channels.[81] The Human Rights Committee recommended that Turkmenistan ensure the development of an independent media, including an enabling environment for their establishment and operation free from undue influence or interference.[82]

40. The United Nations Educational, Scientific and Cultural Organization (UNESCO) noted that defamation remained criminalized. The crime of insulting a public official carried a prison sentence of up to two years. UNESCO encouraged Turkmenistan to decriminalize defamation and incorporate it in the Civil Code.[83]

41. The country team noted a wide discretion granted to local officials to deny requests to hold assemblies, including on the ground of unsuitability of the proposed venue.[84] The Human Rights Committee was concerned that assemblies were rare, owing to a fear of reprisals for expressing any dissenting views. It was concerned about reports of forcible mass mobilization of the population for participation in mass events organized by the authorities.[85]

42. The Human Rights Committee was concerned about restrictions on freedom of association, such as the compulsory registration of associations, the wide monitoring powers of the authorities over associations and the broad legal grounds for closing them down using a court order. It was concerned about the limited number of registered non-governmental organizations (NGOs) working on human rights issues.[86]

43. The Committee remained concerned about continuous harassment, intimidation, torture and arbitrary arrests, detention and convictions on reportedly politically motivated charges as a form of retaliation against journalists, human rights activists, dissidents, members of religious groups and ethnic minorities, and members of NGOs interacting with foreigners.[87] The country team noted the lack of political will to ensure an enabling environment for the work of independent civil society organizations.[88]

44. The Committee on the Rights of the Child urged Turkmenistan to remove restrictions on the functioning of independent civil society organizations.[89] The Committee against Torture recommended ensuring that human rights defenders and journalists were able to conduct their work and activities freely; releasing from detention human rights defenders and journalists, imprisoned as retaliation for their work; and investigating all allegations of harassment, arbitrary arrest, torture and ill-treatment of human rights defenders and journalists.[90]

45. The Human Rights Committee was concerned about excessive restrictions on the establishment of political parties. It recommended guaranteeing the proper functioning of political parties free from unnecessary interference and ensuring that any limitations on the establishment of a political party were construed narrowly and that the principles of legality, necessity and proportionality were strictly adhered to.[91]

46. The Committee reiterated its concern about the mandatory residence registration system (*propiska*), which was a prerequisite for residence, employment, acquisition of real estate and access to health services.[92]

47. The Committee was concerned about arbitrary restrictions on freedom of movement, including broad grounds for restricting travel abroad under the Migration Act, and the alleged use of informal and arbitrary travel bans on individuals, including journalists, activists, religious leaders and former government officials holding opposition views.[93] It recommended ending the arbitrary system of travel bans and reviewing its laws and practices to ensure that any restrictions on travel were justified under article 12 (3) of the Covenant.[94]

48. Furthermore, the Committee was concerned about the reported application of a curfew requiring the population to return home before 10 p.m. and arrest of non-compliant individuals.[95]

49. The Committee recommended revising legislation denying all convicted prisoners the right to vote.[96]

4. Prohibition of all forms of slavery[97]

50. The Human Rights Committee was concerned about the reported widespread use of forced labour of farmers, students and public and private sector workers during the cotton harvest under threat of penalties.[98] The Committee on the Rights of the Child was concerned about reports of the involvement of children in cotton harvesting.[99]

51. The Human Rights Committee recommended putting an end to forced labour in the cotton sector by fully enforcing the legal framework prohibiting forced labour.[100] The International Labour Organization (ILO) Committee of Experts on the Application of Conventions and Recommendations urged the Government to seek the technical assistance of ILO with a view to eliminating forced labour in connection with the State-sponsored cotton harvesting.[101]

5. Right to privacy

52. The Human Rights Committee recommended that Turkmenistan inter alia ensure that all types of surveillance activities and interference with privacy, including online surveillance for the purpose of State security, were governed by appropriate legislation that was in full conformity with the Covenant and that surveillance was subject to judicial authorization and effective and independent oversight mechanisms.[102]

C. Economic, social and cultural rights

1. Right to an adequate standard of living[103]

53. The Committee on the Rights of the Child remained concerned that access to potable water and adequate sanitary conditions was a serious problem, particularly in rural areas. It recommended providing adequate sanitation and access to safe drinking water throughout the country, particularly in rural areas.[104]

54. The Human Rights Committee was concerned about reported mass house demolitions and forced evictions in connection with construction and development projects in and around Ashgabat and the 2017 Asian Indoor and Martial Arts Games. Many of those evictions had reportedly been undertaken without adequate advance notice, without the ability to legally challenge them and without providing adequate alternative accommodation or compensation. Residents opposing forced evictions had allegedly faced harassment and intimidation. The Committee recommended ensuring adequate safeguards against forced evictions and demolitions.[105]

2. Right to health[106]

55. The country team noted that public health expenditure had been low.[107] The Committee on the Rights of the Child was concerned at reports of the insufficient number of family doctors, nurses and midwives, particularly in rural areas, the lack of medicines and the acute need to improve the skills of medical personnel.[108]

56. The country team reported on the high child mortality rate. It recommended undertaking additional and systematic measures to reduce infant and child mortality and ensuring full State financing of the core motherhood and childhood-related health services.[109]

57. The Committee on the Rights of the Child recommended inter alia ensuring early diagnosis and treatment of HIV/AIDS-infected mothers and their infants, preventing mother-to-child transmission of HIV and improving access to and the coverage of antiretroviral therapy and prophylaxis for HIV-infected pregnant women.[110]

58. The country team stated that access to information and the level of awareness on the right to reproductive health remained low among adolescents. Reproductive health issues had been part of a mandatory school subject. The Government had endorsed the national

age-appropriate sexual and reproductive health education standards. However, due to cultural resistance and views on reproductive health education and the lack of training of teachers, sexual and reproductive health education were subject to censorship.[111]

3. Right to education[112]

59. The country team noted the low coverage of preschool education, with a high disparity between rural and urban areas.[113] It recommended ensuring access to preschool education for all children.[114]

60. The Committee on the Rights of the Child noted that Turkmenistan had implemented reforms to improve the standard of education, including an increase in salaries in the education sector and in the duration of compulsory education to 12 years. It recommended that Turkmenistan further enhance the status of teachers.[115]

61. The Committee recommended reviewing school curricula and incorporating human rights therein, including the rights of the child.[116]

D. Rights of specific persons or groups

1. Women[117]

62. The Human Rights Committee remained concerned about continued underrepresentation of women in the public and private sectors, particularly in decision-making positions, and about the prevalence of stereotypes regarding their role and responsibilities, including in the Labour Code, which restricted women's choice in employment based on stereotypical assumptions.[118]

63. The ILO Committee of Experts noted that the gender pay gap was due not only to restrictions on work, in particular conditions, but also to the length of career, educational attainment and the division of positions into traditionally "female and male jobs". The Committee requested that the Government address the underlying causes of the existing gender wage gap, such as gender-based discrimination, gender stereotypes relating to the aspirations, preferences and abilities of women, or vertical and horizontal occupational segregation, and promote women's access to a wider range of job opportunities at all levels.[119]

64. The Committee against Torture recommended the effective implementation of the national plan of action for gender equality 2015–2020.[120]

65. The Committee was concerned about the prevalence of violence against women and that domestic violence was not a separate crime in the Criminal Code.[121] The Committee on the Elimination of Discrimination against Women noted that Turkmenistan had failed to adopt a comprehensive law addressing all forms of violence against women, as well as a national action plan in that area.[122]

66. The Human Rights Committee recommended strengthening preventive measures, including by collecting data about domestic violence, studying its causes, raising awareness of women's rights and of the adverse impact and unacceptability of violence against women, and promoting the reporting of such cases.[123] The Committee against Torture recommended that Turkmenistan inter alia introduce domestic violence, including sexual violence and marital rape, as specific criminal offences in its Criminal Code, with appropriate sanctions, draw up a national plan of action to reduce violence against women, and ensure that all allegations of violence against women were registered by the police and effectively investigated.[124]

2. Children[125]

67. The Office of the United Nations High Commissioner for Refugees (UNHCR) recommended ensuring birth registration for all children, without discrimination and irrespective of their parents' legal status.[126]

68. The Committee on the Rights of the Child regretted that the sale of children, child prostitution and child pornography were not clearly and specifically defined and prohibited in law. It remained concerned that the Criminal Code did not cover sufficiently the sale of children for the purpose of forced labour and did not explicitly prohibit possession of child pornography in line with the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.[127]

69. The Committee was concerned that targeted preventive measures against the exploitation of children, including their engagement in forced labour, prostitution and pornography, and measures to identify and address the root causes and the incidence of the offences, remained limited.[128]

70. While taking note of a legal ban on corporal punishment of children, the Committee was concerned that corporal punishment as a form of disciplining children continued to be practised in the home.[129]

71. The Committee recommended enacting in legislation the explicit prohibition and criminalization of the recruitment and use of children under the age of 18 years in hostilities, and defining and punishing the recruitment of children under the age of 15 years as a war crime.[130]

72. The Committee recommended that Turkmenistan continue to develop and implement a comprehensive deinstitutionalization strategy, abolish the practice of temporary placement of children in institutions, facilitate family-based care for children and establish a system of foster care for children who could not stay with their families.[131]

73. The Committee reiterated its concern at the lack of a centralized system for the registration of adoptions, the lack of consultations provided to adoptive parents, and the fact that there were children in State institutions with limited opportunities for adoption or placement in alternative care because of disability.[132]

74. The Committee was concerned that the reforms of the juvenile justice system had limited scope and did not include all the elements of juvenile justice. It urged Turkmenistan to establish specialized juvenile court facilities and procedures, with adequate resources, designate specialized judges for children and ensure the provision of qualified and independent legal aid to children in conflict with the law. It also urged Turkmenistan to promote alternative measures to detention, ensure that detention was used as a measure of last resort and for the shortest possible period and was reviewed on a regular basis with a view to ending it. It urged Turkmenistan to ensure that children were not detained together with adults in cases in which detention was unavoidable and that the detention conditions were compliant with international standards.[133]

75. The ILO Committee of Experts requested that the Government ensure that children and students were not forcibly mobilized to participate in festive or similar events, whether within or outside school hours.[134]

3. Persons with disabilities[135]

76. The Committee on the Rights of Persons with Disabilities was concerned that the concept of disability set forth in legislation did not fully comply with the Convention, and that Turkmenistan took a medical approach to determine disability. It recommended that Turkmenistan review its legislation and harmonize it with the Convention, including by adopting a social and human rights model for disability.[136]

77. The Committee was concerned that legislation lacked a definition of disability-based discrimination that explicitly addressed all forms of discrimination. It was concerned about multiple and intersectional forms of discrimination against women and girls with disabilities.[137] Additionally, the Committee was concerned at the shortage of programmes and initiatives to eliminate negative stereotypes and prejudice against persons with disabilities in society.[138]

78. The Committee was concerned that Turkmenistan continued to employ substituted decision-making instead of making further steps towards supported decision-making.[139]

79. The Committee was also concerned at reports that orders for the placement of persons with disabilities in psychiatric facilities were generally based on the alleged "danger" they posed. It recommended repealing the laws that allowed for the deprivation of liberty of persons based on disability and potential "dangerousness", with a view to prohibiting disability-based forced detention of persons with disabilities.[140] The Committee against Torture recommended ensuring that patients had the right to be heard in person by the judge ordering their hospitalization and that the court always sought the opinion of a psychiatrist who was not attached to the psychiatric institution admitting the patient.[141]

80. The Committee on the Rights of Persons with Disabilities was concerned by the insufficient measures to prevent violence against persons with disabilities in all settings, and to protect the victims, particularly women and children with disabilities.[142]

81. The Committee was concerned about the lack of participation of persons with disabilities as candidates in elections and the exclusion of persons under guardianship from the right to vote.[143]

82. The Committee recommended that Turkmenistan facilitate full barrier-free and non-discriminatory access to the justice system for persons with disabilities.[144]

83. It recommended designing and implementing a strategy based on measurable targets for the deinstitutionalization of persons with disabilities with a view to promoting community-based services and supporting independent living.[145]

84. The Committee recommended ensuring that the quota system improved the participation of persons with disabilities in employment and eliminating the practice of classifying some persons with disabilities as "unemployable" based on a medical assessment.[146]

85. It recommended developing a comprehensive accessibility plan with sufficient resources and promoting universal design for all buildings and public services, information and social communication media, transport and services open to the public.[147]

86. The Committee urged Turkmenistan to ensure that children continued receiving disability benefits up to the age of 18 and to provide adequate support for adolescents with disabilities to help them start an independent life when they reached adulthood.[148]

87. The Committee recommended reviewing and repealing all existing legislation that prevented persons with disabilities from marrying or adopting children based on disability.[149]

88. It was concerned that the termination of pregnancy and sterilization might be performed on persons with disabilities as a medical necessity, without the free and informed consent of the person concerned.[150]

89. The country team recommended developing a comprehensive policy on inclusive education with a focus on the integration of children with disabilities into mainstream education.[151] The Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities made similar recommendations.[152]

4. Minorities[153]

90. The Committee on the Rights of the Child was concerned at the insufficient opportunities for children belonging to national minorities, in particular Kazakh and Uzbek children, to study their languages.[154] The Committee on the Elimination of Racial Discrimination and the country team noted that the national action plan for human rights foresaw favourable conditions for the children of ethnic minorities to learn their mother tongue. The Committee on the Elimination of Racial Discrimination recommended implementing that plan, including through the establishment of schools and the provision of textbooks in minority languages. Furthermore, it recommended ensuring that proper status was given to the cultures of and languages spoken by the various groups of the population.[155]

91. The Committee recommended protecting the rights of minorities without any discrimination, including their right to freedom of thought, conscience and religion.[156] The

country team recommended promoting the integration of minorities in society through education, participation in public life and access to public functions.[157]

5. Migrants, refugees and asylum seekers

92. UNHCR recommended that Turkmenistan ensure access to its territory and asylum procedures for persons in need of international protection.[158] The Committee against Torture and UNCHR recommended establishing fair and efficient asylum and referral procedures that were accessible at all border points.[159] UNHCR recommended ensuring that referral and asylum procedures were enforced in practice, and authorizing monitoring visits to the border regions and places of detention for the International Committee of the Red Cross, United Nations agencies and human rights mechanisms.[160]

93. The Committee against Torture and UNCHR recommended ensuring that asylum seekers had access to independent, qualified and free legal advice and representation and that their protection needs were duly recognized.[161] UNHCR recommended ensuring that the prohibition against refoulement was respected in practice.[162]

6. Stateless persons

94. UNHCR and the country team noted that Turkmenistan had granted citizenship to many stateless persons in the past years. However, the true extent of statelessness remained unknown in the absence of reliable and comprehensive data.[163] UNHCR stated that citizenship applications for many stateless persons had been pending final decisions for several years.[164]

95. UNHCR noted that Turkmenistan did not have statelessness determination procedures. Unrecognized stateless persons might be at risk of mistreatment and be denied access to basic services. It noted that the definition of stateless persons in the Law on Citizenship of 2013 was not in line with the Convention relating to the Status of Stateless Persons as the Law allowed persons who were citizens of another country to be recognized as stateless solely because they did not hold proof or documentation of their citizenship.[165]

96. UNHCR noted that stateless persons were entitled to State social assistance, including pensions and allowances, but were not covered by medical insurance.[166]

97. The country team and UNHCR stated that children born to parents with undetermined nationality were not legally entitled to Turkmen nationality until their parents' statelessness status was formally confirmed.[167] The Committee on the Rights of the Child recommended ensuring that all children born in Turkmenistan acquired nationality, if otherwise they would be stateless, irrespective of the legal status of their parents.[168]

Notes

[1] Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Turkmenistan will be available at www.ohchr.org/EN/Countries/ENACARegion/Pages/TMIndex.aspx.

[2] For relevant recommendations, see A/HRC/24/3, paras. 112.1, 112.23, 112.26, 113.1–113.7, 113.9–113.17, 113.19–113.20, 113.23, 113.30–113.43 and 113.58.

[3] See CAT/C/TKM/CO/2, paras. 20 (d) and 43; CERD/C/TKM/CO/8-11, para. 26; CRC/C/TKM/CO/2-4, para. 59 and United Nations country team submission for the universal periodic review of Turkmenistan, p. 1.

[4] See CRC/C/TKM/CO/2-4, para. 58; CRC/C/OPAC/TKM/CO/1, para. 25 and CRC/C/OPSC/TKM/CO/1, para. 44.

[5] See CERD/C/TKM/CO/8-11, para. 26 and CRC/C/TKM/CO/2-4, para. 59.

[6] See CERD/C/TKM/CO/8-11, para. 26 and CRC/C/TKM/CO/2-4, para. 59. See also United Nations country team submission, p. 1.

[7] UNESCO submission for the universal periodic review of Turkmenistan, p. 6.

[8] See CRC/C/OPAC/TKM/CO/1, para. 17.

[9] See CAT/C/TKM/CO/2, para. 42.

[10] See CERD/C/TKM/CO/8-11, para. 31.

[11] See CCPR/C/TKM/CO/2, para. 4.

[12] United Nations country team submission, p. 1.
[13] See CCPR/C/TKM/CO/2, para. 5.
[14] See CAT/C/TKM/CO/2, para. 19. See also United Nations country team submission, p. 1.
[15] See www.ohchr.org/en/countries/enacaregion/pages/centralasiasummary.aspx.
[16] For relevant recommendations, see A/HRC/24/3, paras. 112.3–112.10, 112.13, 112.48 and 113.22–113.29.
[17] United Nations country team submission, p. 1, CAT/C/TKM/CO/2, para. 4 (a), CERD/C/TKM/CO/8-11, para. 3 and CCPR/C/TKM/CO/2, para. 3.
[18] United Nations country team submission, p. 1.
[19] See CERD/C/TKM/CO/8-11, paras. 3 and 10. See also United Nations country team submission, p. 1.
[20] United Nations country team submission, p. 1. See also CERD/C/TKM/CO/8-11, para. 10 and CAT/C/TKM/CO/2, para. 16.
[21] See CERD/C/TKM/CO/8-11, para. 11. See also United Nations country team submission, p. 1 and CRC/C/TKM/CO/2-4, para. 15.
[22] United Nations country team submission, p. 1. See also CAT/C/TKM/CO/2, para. 16.
[23] See CCPR/C/TKM/CO/2, para. 3, CAT/C/TKM/CO/2, para. 5, CERD/C/TKM/CO/8-11, para. 3 and United Nations country team submission, p. 1.
[24] See CCPR/C/TKM/CO/2, para. 3, CAT/C/TKM/CO/2, paras. 5 and 31, CERD/C/TKM/CO/8-11, para. 3, United Nations country team, p. 1, CEDAW/C/TKM/CO/3-4/Add.1, pp. 2–3 and letter dated 22 September 2015 from the Committee on the Elimination of Discrimination against Women to the Permanent Mission of Turkmenistan to the United Nations Office and other international organizations in Geneva, p. 2. Available from http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/TKM/INT_CEDAW_FUL_TKM_21734_E.pdf.
[25] See CERD/C/TKM/CO/8-11, para. 3, CAT/C/TKM/CO/2, para. 5, CCPR/C/TKM/CO/2, para. 3 and United Nations country team submission, p. 1.
[26] See CRC/C/TKM/CO/2-4, para. 7 and www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3295160:NO.
[27] For relevant recommendations, see A/HRC/24/3, paras. 112.25, 112.42, 113.55–113.56 and 114.1.
[28] See CCPR/C/TKM/CO/2, para. 6.
[29] See CERD/C/TKM/CO/8-11, para. 6.
[30] United Nations country team submission, p. 2.
[31] See CCPR/C/TKM/CO/2, para. 7. See also CRC/C/TKM/CO/2-4, para. 19.
[32] See CERD/C/TKM/CO/8-11, para. 9. See also the Letter from the Committee on the Elimination of Racial Discrimination dated 7 March 2014 to the Permanent Mission of Turkmenistan to the United Nations Office and other international organizations in Geneva, p. 1. Available from http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/TKM/INT_CERD_FUL_TKM_16945_E.pdf.
[33] See CERD/C/TKM/CO/8-11, para. 17. See also United Nations country team submission, p. 11.
[34] See CCPR/C/TKM/CO/2, para. 32. See also United Nations country team submission, p. 4.
[35] See https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=3200.
[36] United Nations country team submission, p. 4.
[37] See CCPR/C/TKM/CO/2, para. 8. See also United Nations country team submission, p. 1.
[38] See CRC/C/TKM/CO/2-4, paras. 10–11.
[39] United Nations country team submission, p. 11.
[40] See CRC/C/TKM/CO/2-4, para. 50.
[41] See CCPR/C/TKM/CO/2, para. 14.
[42] United Nations country team submission, p. 11.
[43] For relevant recommendations, see A/HRC/24/3, paras. 112.85, 112.60, 113.69–113.71, 114.1–114.2 and 114.4–114.5.
[44] See CAT/C/TKM/CO/2, para. 7 and CCPR/C/TKM/CO/2, para. 20. See also United Nations country team submission, pp. 2–3 and CRC/C/TKM/CO/2-4, para. 30.
[45] See CAT/C/TKM/CO/2, para. 13 and CCPR/C/TKM/CO/2, para. 20.
[46] See CAT/C/TKM/CO/2, para. 7 and CCPR/C/TKM/CO/2, para. 20. See also United Nations country team submission, pp. 2–3 and CRC/C/TKM/CO/2-4, para. 30.
[47] United Nations country team submission, pp. 2–3.
[48] See CAT/C/TKM/CO/2, para. 37. See also United Nations country team submission, p. 2.
[49] See CCPR/C/TKM/CO/2, paras. 19 and 21. See also CAT/C/TKM/CO/2, para. 8.
[50] See CAT/C/TKM/CO/2, para. 38. See also United Nations country team submission, p. 3.
[51] See CAT/C/TKM/CO/2, para. 8. See also CCPR/C/TKM/CO/2, para. 21, CRC/C/TKM/CO/2-4, para. 31, United Nations country team submission, p. 3 and CCPR/C/116/D/2078/2011.
[52] See CAT/C/TKM/CO/2, paras. 25–26.

[51] See A/HRC/WGAD/2015/40, para. 44, A/HRC/WGAD/2014/40, para. 22, A/HRC/WGAD/2013/22, para. 33 and A/HRC/WGAD/2013/5, para. 49.
[54] See A/HRC/30/36, para. 22 and A/HRC/33/50, para. 13.
[55] United Nations country team submission, p. 3.
[56] See CCPR/C/TKM/CO/2, paras. 16–17. See also CCPR/C/112/D/2069/2011 and CCPR/C/113/D/2218/2012.
[57] See CAT/C/TKM/CO/2, paras. 9–10 and United Nations country team submission, p. 3.
[58] See CAT/C/TKM/CO/2, paras. 35–36.
[59] For relevant recommendations, see A/HRC/24/3, paras. 112.57 and 113.60–113.66.
[60] See CCPR/C/TKM/CO/2, paras. 30–31.
[61] United Nations country team submission, pp. 3–4.
[62] See CAT/C/TKM/CO/2, paras. 29–30.
[63] See CERD/C/TKM/CO/8-11, paras. 22–23.
[64] See CAT/C/TKM/CO/2, para. 21. See also CCPR/C/TKM/CO/2, para. 24.
[65] See CCPR/C/TKM/CO/2, para. 25. See also CAT/C/TKM/CO/2, para. 22.
[66] See CAT/C/TKM/CO/2, para. 22. See also CRPD/C/TKM/CO/1, para. 26 (b).
[67] See CCPR/C/113/D/2079/2011, para. 8.8 and CCPR/C/116/D/2078/2011, para. 7.5.
[68] See CAT/C/TKM/CO/2, para. 27. See also CCPR/C/TKM/CO/2, para. 23.
[69] See CCPR/C/TKM/CO/2, para. 21 (a).
[70] See CAT/C/TKM/CO/2, para. 18. See also CCPR/C/TKM/CO/2, paras. 21 and 23 and CRC/C/TKM/CO/2-4, para. 31.
[71] See CCPR/C/TKM/CO/2, para. 22. See also CAT/C/TKM/CO/2, para. 23.
[72] See CAT/C/TKM/CO/2, para. 23.
[73] Ibid., para. 22.
[74] See CAT/C/TKM/CO/2, paras. 23–24 (a).
[75] Ibid., para. 24. See also CCPR/C/TKM/CO/2, para. 23.
[76] See CCPR/C/TKM/CO/2, para. 23. See also CAT/C/TKM/CO/2, para. 20, CRC/C/TKM/CO/2-4, para. 31 and United Nations country team submission, pp. 2–3.
[77] For relevant recommendations, see A/HRC/24/3, paras. 112.59–112.65, 113.56, 113.59, 113.67–113.68, 113.70, 113.73–113.90, 114.4 and 114.6–114.8.
[78] See CCPR/C/TKM/CO/2, para. 38. See also United Nations country team submission, p. 5 and CERD/C/TKM/CO/8-11, para. 12.
[79] See CCPR/C/TKM/CO/2, para. 40. See also CCPR/C/113/D/2218/2012, CCPR/C/117/D/2219/2012, CCPR/C/117/D/2220/2012, CCPR/C/115/D/2221/2012, CCPR/C/115/D/2222/2012, CCPR/C/115/D/2223/2012, CCPR/C/117/D/2224/2012, CCPR/C/117/D/2225/2012 and CCPR/C/117/D/2226/2012.
[80] See CCPR/C/TKM/CO/2, para. 42. See also CRC/C/TKM/CO/2-4, para. 29 and United Nations country team submission, p. 5.
[81] United Nations country team submission, p. 5.
[82] See CCPR/C/TKM/CO/2, para. 43. UNESCO submission for the universal periodic review of Turkmenistan, p. 6 and United Nations country team submission, p. 6.
[83] UNESCO submission, pp. 2 and 6.
[84] United Nations country team submission, p. 5.
[85] See CCPR/C/TKM/CO/2, para. 44. See also CRC/C/TKM/CO/2-4, para. 54 and United Nations country team submission, p. 5.
[86] See CCPR/C/TKM/CO/2, para. 46. See also United Nations country team submission, p. 5 and CRPD/C/TKM/CO/1, para. 7.
[87] See CCPR/C/TKM/CO/2, para. 42. See also CAT/C/TKM/CO/2, para. 11.
[88] United Nations country team submission, p. 5.
[89] See CRC/C/TKM/CO/2-4, para. 17 and CRC/C/OPSC/TKM/CO/1, para. 23.
[90] See CAT/C/TKM/CO/2, para. 12. See also United Nations country team submission, p. 3 and CCPR/C/TKM/CO/2, para. 43.
[91] See CCPR/C/TKM/CO/2, paras. 48–49.
[92] Ibid., para. 28. See also United Nations country team submission, p. 4.
[93] See CCPR/C/TKM/CO/2, para. 28. See also United Nations country team submission, p. 4 and CCPR/C/104/D/1883/2009.
[94] See CCPR/C/TKM/CO/2, para. 29.
[95] Ibid., para. 28.
[96] Ibid., para. 51.
[97] For relevant recommendations, see A/HRC/24/3, paras. 113.48.
[98] See CCPR/C/TKM/CO/2, para. 26. See also United Nations country team submission, p. 3 and www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::::P13100_COMMENT_ID:3297278.
[99] See CRC/C/TKM/CO/2-4, para. 54.

[100] See CCPR/C/TKM/CO/2, para. 27. See also CRC/C/TKM/CO/2-4, para. 55 (a).
[101] See www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::::P13100_COMMENT_ID:3297278.
[102] See CCPR/C/TKM/CO/2, para. 37.
[103] For relevant recommendations, see A/HRC/24/3, paras. 112.67 and 112.71–112.76.
[104] See CRC/C/TKM/CO/2-4, paras. 52–53.
[105] See CCPR/C/TKM/CO/2, paras. 34–35.
[106] For relevant recommendations, see A/HRC/24/3, paras. 112.70 and 112.77–112.79.
[107] United Nations country team submission, p. 7.
[108] See CRC/C/TKM/CO/2-4, para. 44.
[109] United Nations country team submission, pp. 7–8.
[110] See CRC/C/TKM/CO/2-4, para. 47.
[111] United Nations country team submission, pp. 7–8. See also CRC/C/TKM/CO/2-4, para. 47.
[112] For relevant recommendations, see A/HRC/24/3, paras. 112.30, 112.70, 112.80–112.83 and 113.20.
[113] United Nations country team submission, p. 8.
[114] Ibid.
[115] See CRC/C/TKM/CO/2-4, paras. 54–55. See also United Nations country team submission, p. 8 and UNESCO submission, p. 5.
[116] See CRC/C/TKM/CO/2-4, para. 55. See also UNESCO submission, p. 6.
[117] For relevant recommendations, see A/HRC/24/3, paras. 112.32–112.33, 112.39, 112.41–112.52 and 113.49-113.54.
[118] See CCPR/C/TKM/CO/2, para. 10. See also United Nations country team submission, p. 2, UNESCO submission, p. 5 and CRC/C/TKM/CO/2-4, para. 18.
[119] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3253724:NO. See also United Nations country team submission, p. 6.
[120] See CAT/C/TKM/CO/2, para. 32 (b).
[121] Ibid., para. 31. See also CCPR/C/TKM/CO/2, para. 12 and United Nations country team submission, p. 2 and letter dated 22 September 2015 from the Committee on the Elimination of Discrimination against Women to the Permanent Mission of Turkmenistan to the United Nations Office and other international organizations in Geneva. Available from http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/TKM/INT_CEDAW_FUL_TKM_21734_E.pdf.
[122] Letter dated 22 September 2015 from the Committee on the Elimination of Discrimination against Women to the Permanent Mission of Turkmenistan to the United Nations Office and other international organizations in Geneva, pp. 2–3. Available from http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/TKM/INT_CEDAW_FUL_TKM_21734_E.pdf.
[123] See CCPR/C/TKM/CO/2, para. 13. See also letter dated 22 September 2015 from the Committee on the Elimination of Discrimination against Women to the Permanent Mission of Turkmenistan to the United Nations Office and other international organizations in Geneva, pp. 3–4. Available from http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/TKM/INT_CEDAW_FUL_TKM_21734_E.pdf.
[124] See CAT/C/TKM/CO/2, para. 32. See also United Nations country team submission, p. 2, CCPR/C/TKM/CO/2, para. 13 and letter dated 22 September 2015 from the Committee on the Elimination of Discrimination against Women to the Permanent Mission of Turkmenistan to the United Nations Office and other international organizations in Geneva, p. 4. Available from http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/TKM/INT_CEDAW_FUL_TKM_21734_E.pdf.
[125] For relevant recommendations, see A/HRC/24/3, paras. 112.28-112.33, 112.58 and 113.48.
[126] UNHCR submission for the universal periodic review of Turkmenistan, p. 4. See also United Nations country team submission, p. 11.
[127] See CRC/C/OPSC/TKM/CO/1, paras. 8 and 26.
[128] Ibid., para. 24.
[129] See CRC/C/TKM/CO/2-4, para. 34. See also United Nations country team submission, pp. 3–4.
[130] See CRC/C/OPAC/TKM/CO/1, para. 17.
[131] See CRC/C/TKM/CO/2-4, para. 37.
[132] Ibid., para. 38.
[133] Ibid., paras. 56–57.
[134] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3297040:NO. See also CRC/C/OPAC/TKM/CO/1, para. 55.
[135] For relevant recommendations, see A/HRC/24/3, paras. 112.11 and 112.39.

136 CRPD/C/TKM/CO/1, paras. 5–6. See also United Nations country team submission, pp. 8–9.
137 CRPD/C/TKM/CO/1, paras. 9 and 11.
138 Ibid., para. 15.
139 Ibid., para. 21.
140 Ibid., paras. 25–26. See also CAT/C/TKM/CO/2, para. 35.
141 See CAT/C/TKM/CO/2, para. 36.
142 CRPD/C/TKM/CO/1, para. 29.
143 Ibid., para. 45.
144 Ibid., para. 24.
145 Ibid., para. 34. See also CRC/C/TKM/CO/2-4, para. 43.
146 CRPD/C/TKM/CO/1, para. 42.
147 Ibid., para. 18.
148 Ibid., para. 14. See also CRC/C/TKM/CO/2-4, para. 43.
149 CRPD/C/TKM/CO/1, para. 38.
150 Ibid., para. 31.
151 United Nations country team submission, p. 9.
152 CRPD/C/TKM/CO/1, para. 40 and CRC/C/TKM/CO/2-4, para. 43.
153 For relevant recommendations, see A/HRC/24/3, paras. 112.25, 112.54–112.56 and 113.57.
154 See CRC/C/TKM/CO/2-4, para. 54. See also United Nations country team submission, p. 9, UNESCO submission, p. 5, CERD/C/TKM/CO/8-11, para. 14 and CRC/C/TKM/CO/2-4, para. 18 (a).
155 See CERD/C/TKM/CO/8-11, para. 15 and United Nations country team submission, p. 9. See also CRC/C/TKM/CO/2-4, paras. 19 and 55 and UNESCO submission, p. 6.
156 See CERD/C/TKM/CO/8-11, para. 13.
157 United Nations country team submission, p. 9.
158 UNHCR submission, p. 3.
159 See CAT/C/TKM/CO/2, para. 34 and UNHCR submission, p. 3. See also CERD/C/TKM/CO/8-11, para. 17.
160 UNHCR submission, p. 3.
161 See CAT/C/TKM/CO/2, para. 34 and UNHCR submission, p. 3.
162 UNHCR submission, p. 3. See also CAT/C/TKM/CO/2, para. 34 and CERD/C/TKM/CO/8-11, para. 17.
163 UNHCR submission, p. 1, and United Nations country team submission pp. 10–11. See also CERD/C/TKM/CO/8-11, para. 18.
164 UNHCR submission, p. 4.
165 Ibid.
166 Ibid., p. 2.
167 United Nations country team submission, p. 10 and UNHCR submission, p. 1. See also CRC/C/TKM/CO/2-4, para. 24.
168 CRC/C/TKM/CO/2-4, para. 25.